

## **EXHIBIT A**



Entered on Docket  
September 02, 2009

**Hon. Linda B. Riegle  
United States Bankruptcy Judge**

**LEWIS AND ROCA LLP**  
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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT**

# **DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

### Debtors.

### **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

## CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING NINTH OMNIBUS  
OBJECTION OF USACM TRUST TO  
PROOFS OF CLAIM BASED, IN WHOLE  
OR IN PART, UPON INVESTMENT IN  
THE BAY POMPANO BEACH LOAN**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1 The Court having considered the "Ninth Omnibus Objection of USACM Trust to  
2 Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano Beach  
3 Loan" [Docket No. 7283] (the "Objection"); with appropriate notice of the Objection  
4 having been given; no responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

6 1. The Objection is sustained;

7 2. The claims listed on **Exhibit A** attached are allowed as general  
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted  
9 Principal. The remainder of those claims are disallowed to the extent  
10 they are based upon a Direct Lender investment in the Bay Pompano  
11 Beach Loan as shown on **Exhibit A**; and

12 3. To the extent the claims listed on **Exhibit A** are based upon  
13 investments in loans other than the Bay Pompano Beach Loan, this  
14 order does not affect them and the USACM Trust may file further  
15 objections.

16  
17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18 **LEWIS AND ROCA LLP**

19 By /s/ Marvin Ruth (#10979)

20 Rob Charles

21 John Hinderaker

22 Marvin Ruth

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27 *Attorneys for USACM Liquidating Trust*



1 In accordance with Local Rule 9021, the undersigned certifies:

2  The Court waived the requirements of LR 9021.

3  No parties appeared or filed written objections, and there is no trustee appointed

4 in this case.

5  I have delivered a copy of this proposed order to all counsel who appeared at the

6 hearing, any unrepresented parties who appeared at the hearing, and any trustee

7 appointed in this case, and each has approved or disapproved the order, or failed

to respond, as indicated below (list each party and whether the party has

approved, disapproved, or failed to respond to the document):

|   |   |
|---|---|
| 8 U.S. Trustee: August Landis   |   |
| 9 <input type="checkbox"/> approved the form of this order                            | <input type="checkbox"/> disapproved the form of this order |
| 10 <input checked="" type="checkbox"/> waived the right to review the order<br>and/or | <input type="checkbox"/> failed to respond to the document  |
| 11 Other Party:   |   |
| 12 <input type="checkbox"/> approved the form of this order                           | <input type="checkbox"/> disapproved the form of this order |
| 13 <input type="checkbox"/> waived the right to review the order<br>and/or            | <input type="checkbox"/> failed to respond to the document  |

14 ####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

17 By: /s/ Marvin Ruth (#10979)

18 Rob Charles  
19 John Hinderaker  
20 Marvin Ruth

21 *Attorneys for USACM Liquidating Trust*

| Claim       | Name                             | Address  | Total Claim Amount | Total Claim Amount Relating to Bay Pompano Beach Loan | Unremitted Principal to be Allowed as Claim | Approximate Amount Subject to Objection |
|-------------|----------------------------------|--|--------------------|---|---|---|
| 10725-02298 | Jayem Family Lp Jacques Massa Gp | 7 Paradise Valley Ct Henderson, NV 89052-6706                          | 936,807.81         | 37,005.78   | -   | 37,005.78                               |
| 10725-02315 | Wahl, David C                    | Po Box 8012 Mammoth Lakes, CA 93546                                    | 144,224.96         | 90,557.66   | -   | 90,557.66                               |
| 10725-02348 | Melvin, Teri L                   | 2704 Chokecherry Ave Henderson, NV 89074-1990                          | 197,669.94         | Unknown   | -   | Unknown                                 |
| 10725-02349 | Melvin, Teri L                   | 2704 Chokecherry Ave Henderson, NV 89074-1990                          | 100,000.00         | Unknown   | -   | Unknown                                 |
| 10725-02366 | Al-Awar Living Trust DTD 4/05/01 | Adib M & Ellen A Al-Awar Trees 1330 Burro Ct Gardnerville, NV 89410    | 3,615,913.62       | 444,069.36  | -   | 444,069.36                              |
| 10725-02383 | Minter Family 1994 Trust         | Douglas & Elizabeth F Minter Trees 5389 Conte Dr Carson City, NV 89701 | 1,244,089.74       | 100,000.00  | -   | 100,000.00                              |
| 10725-02393 | Donald P Clark Family Trust      | Donald P Clark Tree 305 W Moana Ln Ste C Reno, NV 89509                | 1,118,023.12       | 104,448.86  | -   | 104,448.86                              |
| 10725-02423 | Pinsker, Donald H                | 8650 W Verde Way Las Vegas, NV 89149-4145                              | 1,633,057.16       | 148,023.12  | -   | 148,023.12                              |
| 10725-02445 | Acosta, Ruth                     | 2546 General Armistead Ave Norristown, PA 19403                        | 56,467.05          | Unknown   | -   | Unknown                                 |
| 10726-00067 | Doucet, D. Joseph                | Trustee Of Douchet Trust 3301 Skyline Blvd. Reno, NV 89509-6604        | 502,335.71         | Unknown   | -   | Unknown                                 |